



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

July 8, 2011

Christopher Koeppel
Environmental Team Leader
U.S. Army Corps of Engineers,
Vicksburg District
4155 East Clay Street
Vicksburg, MS 39183

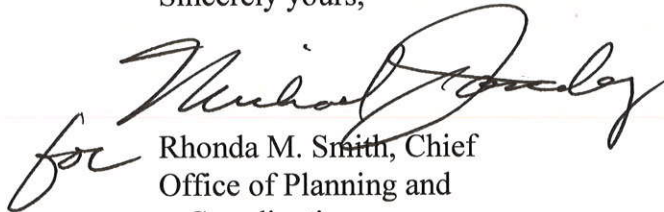
Dear Colonel Koeppel:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Final Environmental Impact Statement (FEIS) prepared by the Vicksburg District Corps of Engineers for the New Orleans to Venice (NOV), Louisiana, Hurricane Risk Reduction Project, Incorporation of Non-Federal Levees from Oakville to St. Jude, Plaquemines Parish, Louisiana.

EPA Region 6 provided comments on the Draft EIS dated April 18, 2011. EPA rated the DEIS as "EC 2," i.e., EPA had "Environmental Concerns to the Proposed Actions and Requested Additional Information." EPA is pleased that the FEIS includes additional analysis of the proposed action. However, EPA continues to have environmental concerns specific to wetland mitigation.

Our enclosed detail comments are offered to explain our remaining concerns and to insure full compliance with the requirements of NEPA, Section 404 of the Clean Water Act, and the CEQ regulations. EPA asks that these comments be addressed and responded to in the Record of Decision Document (ROD) and prior to initiating project construction. EPA appreciates the opportunity to review the FEIS. If you have any questions, please contact Mike Jansky of my staff at (214) 665-7451 or by e-mail at jansky.michael@epa.gov for assistance.

Sincerely yours,


for Rhonda M. Smith, Chief
Office of Planning and
Coordination

Enclosure

**Detailed Comments
on the
Final EIS for the New Orleans to Venice, Louisiana,
Hurricane Risk Reduction Project:
Incorporation of Non-Federal Levees
From Oakville to St. Jude, Plaquemines Parish, Louisiana**

EPA provided extensive comments on the Draft EIS on April 18, 2011. Most of those concerns were satisfactorily addressed by changes to the Final EIS or in the Response to Comments appendix. EPA appreciates the Corps' diligence in this regard and fully supports their efforts to provide storm damage risk reduction measures for the residents and businesses of south Louisiana. However, one significant issue still poses a significant concern.

The Final EIS has provided assurances that adequate wetland mitigation will be performed and will be performed concurrently with the levee construction work. However, neither the DEIS nor the FEIS include a detailed wetland mitigation plan. The response to EPA comments in the FEIS explains that the Corps' plan is to issue a supplemental NEPA document containing a site-specific mitigation plan, following issuance of the Record of Decision for the FEIS. However, adequate and appropriate wetland mitigation is a key component of the project. Signing off on a construction plan prior to assuring the development of a mitigation plan seems to be out of sequence from the perspective of public disclosure and with regard to the guidelines of the National Environmental Policy Act for conducting project planning and environmental analyses. Considering that project construction is not scheduled to commence until 2012, it is unclear why the wetland mitigation planning could not be conducted in synch with the project construction planning.

As we noted in our comments on the DEIS, a compensatory mitigation plan should be provided with enough specificity to support a determination of compliance with the Clean Water Act Section 404(b)(1) Guidelines, Section 2036 of the Water Resources Development Act of 2007, and with the 2008 joint Environmental Protection Agency (EPA)/Department of the Army final rule on compensatory mitigation for losses of aquatic resources. The Draft and Final EIS documentation (Appendix J) include a generic plan, which incorporates the recommendations from the December 2010 Draft U.S. Fish and Wildlife Service's *Fish and Wildlife Coordination Act Report* and a commitment from the Corps to mitigate according the findings of the Wetland Value Assessment (WVA). This is an excellent starting point. However, no specific wetland mitigation projects are identified to fully compensate for the unavoidable adverse impacts to wetlands from the project construction and from the removal of construction borrow material. These details should be made available for public and agency review prior to making a final decision on project construction.

Without a specific wetland mitigation plan to analyze, our assessment of the environmental impacts must remain incomplete. Consequently, we have not been afforded an opportunity to ascertain whether the mitigation will be adequate and appropriate. Likewise, it is difficult to understand how the Corps could provide assurances of adequate funding to implement appropriate wetland mitigation without developing cost estimates for a defined plan,

particularly since real estate purchases may be required.

Finally, the FEIS Response to Comments appendix includes an excellent description (found under EPA comment # 16) of the distinction between the types of flood risk reduction that this and similar Corps post-Katrina projects will and will not provide. The project being proposed here is designed to reduce risks from a 50-year hurricane storm surge. However, due to limitations associated with the capacity of pumping stations and possibly other engineering constraints, the project is not designed to provide risk reduction from interior flooding as a result of equivalent rainfall events. This is such an important characteristic of risk reduction systems that it would best serve the public to explain this point quite clearly in the project description, both in the abstract and in the alternative description within the body of the NEPA analysis.